



General Assembly

February Session, 2010

Raised Bill No. 298

LCO No. 1404

01404_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT REQUIRING A FACTUAL BASIS FOR ACCEPTANCE OF A
PLEA IN CERTAIN JUVENILE MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 46b-129 of the 2010 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2010*):

4 (c) The preliminary hearing on the order of temporary custody or
5 order to appear or the first hearing on a petition filed pursuant to
6 subsection (a) of this section shall be held in order for the court to: (1)
7 Advise the parent or guardian of the allegations contained in all
8 petitions and applications that are the subject of the hearing and the
9 parent's or guardian's right to counsel pursuant to subsection (b) of
10 section 46b-135; (2) assure that an attorney, and where appropriate, a
11 separate guardian ad litem has been appointed to represent the child
12 or youth in accordance with subsection (b) of section 46b-123e and
13 sections 46b-129a and 46b-136; (3) assure that the respondent has had
14 an opportunity to discuss a plea with an attorney and, upon request,
15 appoint an attorney to represent the respondent when the respondent
16 is unable to afford representation, in accordance with subsection (b) of

17 section 46b-123e; (4) advise the parent or guardian of the right to a
18 hearing on the petitions and applications, to be held not later than ten
19 days after the date of the preliminary hearing if the hearing is pursuant
20 to an order of temporary custody or an order to show cause; (5) accept
21 a plea regarding the truth of such allegations upon a finding that a
22 factual basis exists for accepting such plea; (6) make any interim
23 orders, including visitation, that the court determines are in the best
24 interests of the child or youth. The court, after a hearing pursuant to
25 this subsection, shall order specific steps the commissioner and the
26 parent or guardian shall take for the parent or guardian to regain or to
27 retain custody of the child or youth; (7) take steps to determine the
28 identity of the father of the child or youth, including ordering genetic
29 testing, if necessary, and order service of the petition and notice of the
30 hearing date, if any, to be made upon him; (8) if the person named as
31 the father appears, and admits that he is the father, provide him and
32 the mother with the notices that comply with section 17b-27 and
33 provide them with the opportunity to sign a paternity
34 acknowledgment and affirmation on forms that comply with section
35 17b-27. Such documents shall be executed and filed in accordance with
36 chapter 815y and a copy delivered to the clerk of the superior court for
37 juvenile matters; (9) in the event that the person named as a father
38 appears and denies that he is the father of the child or youth, advise
39 him that he may have no further standing in any proceeding
40 concerning the child, and either order genetic testing to determine
41 paternity or direct him to execute a written denial of paternity on a
42 form promulgated by the Office of the Chief Court Administrator.
43 Upon execution of such a form by the putative father, the court may
44 remove him from the case and afford him no further standing in the
45 case or in any subsequent proceeding regarding the child or youth
46 until such time as paternity is established by formal acknowledgment
47 or adjudication in a court of competent jurisdiction; (10) identify any
48 person or persons related to the child or youth by blood or marriage
49 residing in this state who might serve as licensed foster parents or
50 temporary custodians and order the Commissioner of Children and

51 Families to investigate and determine, not later than thirty days after
52 the preliminary hearing, the appropriateness of placement of the child
53 or youth with such relative or relatives; and (11) in accordance with
54 the provisions of the Interstate Compact on the Placement of Children
55 pursuant to section 17a-175, identify any person or persons related to
56 the child or youth by blood or marriage residing out of state who
57 might serve as licensed foster parents or temporary custodians, and
58 order the Commissioner of Children and Families to investigate and
59 determine, within a reasonable time, the appropriateness of placement
60 of the child or youth with such relative or relatives.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2010</i>	46b-129(c)
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Statement of Purpose:

To require the court to find a factual basis for accepting a plea regarding the truth of allegations in certain juvenile matters.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]